IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1746 OF 2003
IN
SUIT NO.1815 OF 1998

Adani Exports Ltd. ..Plaintiff

Vs.

Kamlaben M.Desai and Ors. ..Defendants

And

Union of India through Tax
Recovery Officer, Mumbai ..Applicant

Mr.D.H.Mehta i/b Desai and Diwanji for the plaintiff

Mr.S.R.Rajguru for the defendants/Applicant

CORAM : S.U.KAMDAR, J
DATED : 7TH OCTOBER, 2005

P.C.:

. It is an admitted position that suit itself is disposed of by order and judgment dt.5.12.01 and the Receiver is in possession of property in execution. In that view of the matter, prayer clause (a) of the motion does not survive. All questions in execution have to be determined by way of Chamber summons under Section 47 r.w High Court Rules, Original Side. Motion is not maintainable. Motion dismissed accordingly. Liberty is granted to the applicant to take out appropriate legal

proceeding as permissible in law.